

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALE H. WEBER,

Defendant.

**Case No.** 4:14-CR-06049-SMJ

**CRIMINAL MINUTES**

**DATE:** 02/15/2017 **LOCATION:** Richland

**SENTENCING HEARING**

<b>Judge Salvador Mendoza, Jr.</b>			
Debbie Brasel			Kim Allen
<b>Courtroom Deputy</b>	<b>Law Clerk</b>	<b>Interpreter</b>	<b>Court Reporter</b>
Alison L. Gregoire		Christopher Andrew Swaby	
<b>Plaintiff's Counsel</b>		<b>Defendant's Counsel</b>	

**[XX] Open Court**

**[XX] US Probation Officer:** Carrie A. Valencia,  
telephonically

Defendant **present in custody** of the US Marshal.

Argument by counsel

Defendant addresses Court on his own behalf

The Court rules on and accepts the Pre-Sentence Report.

Court accepts the Plea Agreement which was deferred until sentencing in this matter.

**Imprisonment:** **78 months** with respect to the single count Information

Defendant shall receive credit for time served in federal custody prior to sentencing in this matter.

**Supervised Release:** **10 years** with standard conditions and the following special conditions:

1. You shall complete a sex offender evaluation, which may include psychological and polygraph testing. You shall pay according to his ability and allow the reciprocal release of information between the evaluator and supervising officer.
2. You shall actively participate and successfully complete an approved state-certified sex offender treatment program. You shall follow all lifestyle restrictions and treatment requirements of the program. You shall participate in special testing in the form of polygraphs, in order to measure compliance with the treatment program requirements. You shall allow reciprocal release of information between the supervising officer and the treatment provider. You shall pay for treatment and testing according to his ability.

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3. You shall not be self-employed, nor shall you be employed by friends, relatives, or associates, unless approved in advance by the supervising officer. You shall not work for cash and shall provide proof of earnings as required by your supervising officer.
4. You shall contribute 10% of your income to any balance owed to BI Services for location monitoring. The supervising probation officer may petition the Court on your behalf to modify this requirement if it presents an undue financial hardship.
5. You shall have no contact with any child under the age of 18, without the presence of an adult and approved in advance by the supervising officer. You shall immediately report any unauthorized contact with minor-aged children to the supervising officer.
6. You shall be prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other media that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). You shall not enter any establishment involved in the sex industry, including but not limited to adult bookstores, massage parlors, and strip clubs. The defendant shall not utilize any sex-related adult telephone numbers. The supervising officer is authorized to monitor compliance in this area by obtaining relative records including but not limited to telephone, Internet, credit cards and bank statements.
7. You shall not reside or loiter within 1000 feet of places where children congregate, which includes playgrounds, primary and secondary schools, city parks, daycare centers, and arcades.
8. You shall not be employed in any occupation, business, or profession, or participate in any volunteer activity which provides access to children under the age of 18, unless authorized by the supervising officer.
9. You shall not possess or use any computer or any other device with access to any on-line computer service without the prior approval of the supervising officer. This includes any Internet service provider, bulletin board system, or any other public or private computer network. You shall not have access to a modem during the term of supervision without the prior approval of the supervising officer.
10. You shall not use any software program or device designed to hide, alter or delete records/logs of your computer usage, Internet activities, or the files stored on the assigned computer. This includes the use of encryption, steganography (the art and science of hiding a message in a medium, such as a digital picture or audio file, so as to defy detection), and cache/cookie removal software.
11. You shall only use your true name and identifiers (such as date of birth, social security number, driver's license number) for purposes of establishing credit, screen names, utility services, including any services related to computer or electronic equipment or contracts, and registration related to computer-related activities.
12. Should you be allowed to access a computer or electronic device capable of accessing the internet, you may access on-line "computer," or Internet services, except that he/she shall not access any on-line computer or Internet services, sites, or media that include or feature material that depicts "sexually explicit conduct" involving adults or "minor[s]," "child pornography," or "visual or auditory depictions" of "minor[s]" engaged in "sexually explicit conduct," all as defined in 18 U.S.C. § 2256.

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13. You shall allow the probation officer, or designee, to conduct random inspections, including retrieval and copying of data from any computer, or any personal computing device that you possess or have access to, including any internal or external peripherals. This may require temporary removal of the equipment for a more thorough inspection. You shall not possess or use any public or private data encryption technique or program. You shall purchase and use such hardware and software systems that monitors your computer usage, if directed by the supervising officer.
14. You shall submit his/her person, residence, office, vehicle and belongings to a search, conducted by a probation officer, at a sensible time and manner, based upon reasonable suspicion of contraband or evidence of violation of a condition of supervision. Failure to submit to search may be grounds for revocation. You shall warn persons with whom he/she shares a residence that the premises may be subject to search.
15. If you pose a risk to another person or an organization, the probation officer may seek permission from the court to require you to notify that person or organization about the risk. If the court approves, you must provide the notification. The probation officer may contact the person or organization to confirm that you have provided the proper notification.

<b>Special Penalty Assessment:</b>	\$100.00
<b>Fine:</b>	\$0.00
<b>Restitution:</b>	\$0.00

Defendant shall participate in the BOP Inmate Financial Responsibility Program. During the time of incarceration, monetary penalties are payable on a quarterly basis of not less than \$25.00 per quarter.

While on supervised release, monetary penalties are payable on a monthly basis of not less than \$25.00 per month or 10% of the defendant's net household income, whichever is less, commencing 30 days after the defendant is released from imprisonment.

Government moves to dismiss all remaining counts

**Court:** granted

Defendant agrees to forfeit the following:

**ELECTRONIC EQUIPMENT:**

- 1) AT&T Cellular phone – Blackberry style, Serial Number: 325822996323;
- 2) Iphone: IMEI: 013853002900147; and,
- 3) AT&T Cellular phone, “GoPhone” in new packaging seized on or about October 27, 2014, by the Bureau of Immigration and Customs Enforcement/Homeland Security Investigations.

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Appeal rights waived pursuant to the Plea Agreement previously executed by the defendant and filed with the Court.

CONVENED: 11:30 AM	ADJOURNED: 12:08 PM	TIME: / 38 MINUTES	
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